UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRIDGESTONE BRANDS, LLC, and BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC, Plaintiffs, v. BALKRISHNA INDUSTRIES, LTD., BKT TIRES, INC., and BKT USA, INC., Defendants.	)	Civil Action No. ______________________ **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT, TRADEMARK INFRINGEMENT, AND UNFAIR COMPETITION

Plaintiff Bridgestone Brands, LLC and Bridgestone Americas Tire Operations, LLC (individually and collectively "Bridgestone") by their undersigned attorneys, allege as follows, upon actual knowledge with respect to themselves and their own acts, and upon information and belief as to all other matters.

NATURE OF THE ACTION

1. This is a civil action for utility patent infringement, design patent infringement, trademark infringement, and unfair competition under federal, state, and/or common law. Defendants are trading off Bridgestone's inventive efforts and considerable goodwill by making, selling, and promoting one type of tire that copies and infringes Bridgestone's patented sidewall protector technology and patented tire tread design, *along with* other tires that copy and infringe Bridgestone's HIGHWAY SPECIAL and FORESTRY SPECIAL trademarks. For these and

other reasons, Bridgestone seeks to enjoin Defendants' unlawful conduct and to recover damages, Defendants' profits, attorneys' fees, costs, and other relief.

PARTIES

2. Plaintiff Bridgestone Brands, LLC is a Delaware limited liability company with a business address at 535 Marriot Drive, Nashville, Tennessee 37214.

3. Plaintiff Bridgestone Americas Tire Operation, LLC is a Delaware limited liability company with a business address at 535 Marriott Drive, Nashville, Tennessee 37214.

4. Defendant Balkrishna Industries, Ltd. is an Indian corporation with an address at C/15, Trade World, Kamala Mills Compound, Mumbai, Maharashtra, India 400013.

5. Defendant BKT Tires, Inc. is a Tennessee corporation with an address at 12 Cadillac Dr. Ste. 240, Brentwood, Tennessee, 37027.

6. Defendant BKT USA, Inc. is an Ohio corporation with an address at 2660 W. Market St., Ste. 100, Akron, Ohio, 44333.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121; 35 U.S.C. §§ 271, 281, and 289; and 28 U.S.C. §§ 1331, 1338(a) and (b). The Court has supplemental jurisdiction over Bridgestone's state-law claims pursuant to 28 U.S.C. § 1367(a) because they are substantially related to its federal claims and arise out of the same case or controversy.

8. This Court has general personal jurisdiction over Defendants Balkrishna Industries, Ltd., BKT Tires, Inc., and BKT USA, Inc. (individually and collectively, "Defendants" or "BKT") based on their continuous and systematic contacts with Tennessee, including their distribution and sale of products in Tennessee. In addition, BKT Tires is a United States corporation organized under the laws of Tennessee.

9. This Court has specific personal jurisdiction over Defendants because they have purposefully availed themselves of the privilege of conducting business in Tennessee.

10. Venue lies in this District pursuant to 28 U.S.C. § 1391(b) and (c) and § 1400(b) because a substantial part of the events giving rise to Bridgestone's claims have occurred and are continuing to occur in this District and Bridgestone maintains its principal place of business in this District.

BRIDGESTONE

11. Bridgestone and its related and affiliated companies comprise the world's largest tire and rubber company. Their products are sold in over 150 nations and territories around the world and they presently have over 40 production facilities in the Americas alone; produce and sell 50 million tires a year; operate over 2,200 directly owned and operated retail outlets in North America; and employ nearly 45,000 people.

12. Bridgestone's roots trace back to the Firestone Tire and Rubber Company, which was founded over a century ago by entrepreneur and innovator Harvey S. Firestone. By 1900, with twelve employees and a single production facility in Akron, Ohio, the Firestone Tire and Rubber Company produced its first tire. FIRESTONE tires quickly gained a reputation for quality and performance; they were chosen by Henry Ford for the first mass-produced cars in America and, shortly thereafter, drove to victory in the very first Indianapolis 500 car race.

13. Today, Bridgestone develops, manufactures, and markets tires for a wide range of land vehicles, including, tires for passenger, commercial, and off-the-road ("OTR") vehicles (for construction, agricultural, mining, and other applications).

14. Across these fields, Bridgestone has established itself as a leading pioneer of innovative tire technologies and unique tread designs. Devoted to bringing cutting-edge designs and technology to industry and the public, Bridgestone spends significant resources cultivating

its research and development in the United States. To date, the U.S. Patent and Trademark Office has issued more than a thousand design patents and over 4,800 utility patents to Bridgestone and its affiliated companies.

BRIDGESTONE'S DURAFORCE MH TIRE AND PATENTED TECHNOLOGY AND DESIGN

15. Among its OTR tires, Bridgestone makes, sells, and promotes the DuraForce MH bias tire, which is among the industry's leading tires for telehandler equipment, also known as telescopic material handlers, as shown below:

16. Telescopic material handlers are forklift trucks having a telescoping boom that can reach 30 to 40 feet. Commonly used on construction sites, these vehicles navigate tight places, sideswipe curbs, back into obstacles, and operate over rough terrain littered with debris such as nails, broken concrete blocks, and lumber. As a result, telescopic material handlers often encounter substantial tire damage. To combat sidewall damage, tire manufacturers have turned to a number of techniques, including thickening areas of the sidewall and adding convex-shaped sidewall protectors. But these prior measures often increase the overall width of the tire, potentially causing greater chance of damage due to sideswiping.

17. Cognizant of these challenges, Bridgestone developed a tire with protective shoulder ribs that reduce sidewall damage without increasing the overall width of the inflated tire to maintain a relatively flat sidewall profile. Bridgestone implemented this technology in its DuraForce MH tire.

18. The DuraForce MH tire also employs a non-directional tread pattern. Non-directional tires have the same features on the inner and outer tread, which allows the tires to be rotated diagonally, forward, or backward amongst the wheels of the vehicle.

19. To protect its sidewall protector rib technology, Bridgestone obtained U.S. Patent No. 8,156,980 ("the '980 patent") (attached as Exhibit 1), titled "Sidewall Protector Ribs," which issued on April 17, 2012 to inventor Ronald W. Tatlock.

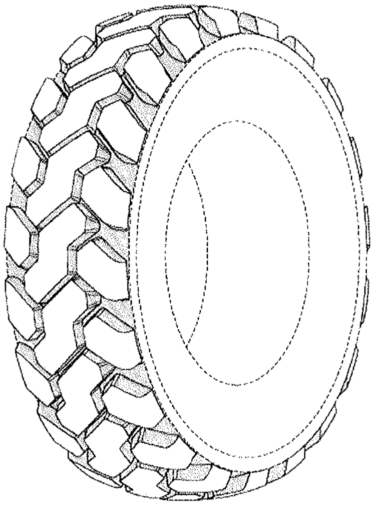
20. Mr. Tatlock assigned his rights to Bridgestone Firestone North American Tire, LLC on November 13, 2008, by assignment recorded at reel/frame 021944/0222. Thereafter, Bridgestone Firestone North American Tire, LLC changed its name to Bridgestone Americas Tire Operations, recorded at reel/frame 023597/0982.

21. Bridgestone Americas Tire Operations is the owner of all right, title, and interest in and to the '980 patent.

22. Bridgestone Americas Tire Operations has the full and exclusive right to bring suit and enforce the '980 patent and to collect damages for infringement.

23. Additionally, to protect Bridgestone's unique non-directional tire tread design, which it applied to the DuraForce MH tire, Bridgestone obtained U.S. Design Patent No. D612,800 ("the '800 patent") (attached as Exhibit 2), titled "Tire Tread," which issued on March 20, 2010 to inventors Paula R. Lundgren and Ronald W. Tatlock.

24. The claimed design of the '800 patent is shown in figures 1-10 and described in the accompanying figure descriptions (see Exhibit 2 and representative image below).



25. Ms. Lundgren and Mr. Tatlock assigned their rights in the ’800 patent to Bridgestone Firestone North American Tire, LLC, on January 28, 2008 in connection with the parent application of the ’800 patent, Application No. 29/303,121, recorded at reel/frame 020453/0329. Thereafter, Bridgestone Firestone North American Tire, LLC, changed its name to Bridgestone Americas Tire Operations, recorded at reel/frame 023939/0184.

26. Bridgestone Americas Tire Operations is the owner of all right, title, and interest in and to the ’800 patent.

27. Bridgestone and has the full and exclusive right to bring suit and enforce the ’800 patent and to collect damages and profits for infringement.

BRIDGESTONE'S HIGHWAY SPECIAL AND FORESTRY SPECIAL-BRANDED TIRES

28. Within its OTR line, Bridgestone also offers its HIGHWAY SPECIAL and FORESTRY SPECIAL tires.

29. Bridgestone has offered its HIGHWAY SPECIAL-branded tire since at least as early as 1996, has promoted the tire extensively through various means, and has earned tens of millions of dollars in sales.

30. Bridgestone owns U.S. Trademark Registration No. 5045574 for its HIGHWAY SPECIAL tire mark.

31. Bridgestone has offered its FORESTRY SPECIAL-branded tire since at least as early as 1976, has promoted the tire extensively through various means, and has earned tens of millions of dollars in sales.

32. Bridgestone owns U.S. Trademark Application No. 87123172 for its FORESTRY SPECIAL tire mark.

INVENTOR RONALD W. TATLOCK

33. Mr. Tatlock previously worked for Plaintiff Bridgestone Americas Tire Operations, LLC. He joined the company's Technology Division as a Project Engineer on March 30, 1998. Until his involuntary separation from the Bridgestone on October 15, 2013, Mr. Tatlock worked on various research and development projects.

34. On April 23, 1999, Mr. Tatlock signed an employment agreement with Bridgestone where he agreed to assign to Bridgestone all of his discoveries, inventions, and improvements during his employment related in any way to Bridgestone's business.

35. During his tenure at Bridgestone, Mr. Tatlock was listed as an inventor on the '980 and '800 patents. In December 2010, Mr. Tatlock was paid a cash bonus in recognition of

the issuance of the ’800 patent. In June 2012, Mr. Tatlock was paid another cash bonus in recognition of the issuance of the ’980 patent. Mr. Tatlock did not believe that these payments were “sufficient” given the commercial success of Bridgestone’s DuraForce MH (and later DuraLoad OTR) tires that utilized the technology claimed in the ’980 patent (attached as Exhibit 3 [Emails between Bridgestone Legal and Tatlock]).

36. Following the termination of his employment from Bridgestone, Mr. Tatlock joined BKT USA in November 2013 as Manager of Engineering and Training. In this role, Mr. Tatlock is responsible for engineering BKT’s OTR tires in the United States. Mr. Tatlock is still employed by BKT USA.

37. On information and belief, during his employment with BKT USA, Mr. Tatlock informed BKT about the ’980 and ’800 patents.

DEFENDANTS AND THEIR WRONGFUL ACTIVITIES

38. Like Bridgestone, Defendants run a tire company. BKT has offered and sold the Lift Star, Farm Highway Special, and Forestry Special tires that are the subject of this lawsuit.

BKT’S LIFT STAR TIRE

39. On information and belief, BKT first offered the Lift Star tire for sale in 2015. The tire embodies the design of the ’800 patent and incorporates the invention claimed in the ’980 patent.

40. Like the Bridgestone DuraForce MH tire, BKT’s Lift Star is a bias-ply tire specially designed for telehandlers, with non-directional tread. BKT’s Lift Star has specially designed, low-profile sidewall that provides added cut-and-puncture protection. (Attached as Exhibit 4 [Lift Star Spec Sheet].)

41. BKT’s Lift Star tire possesses all the elements of the pneumatic tire recited in claim 19 of the ’980 patent, either literally reading on the claim elements or by equivalence,

because, to the extent any differences are found between the element recited in claim 19 and the Lift Star tire, they are insubstantial.

42. As recited in the preamble and first and second elements of claim 19, the Lift Star tire is a pneumatic tire with a first sidewall portion and a second sidewall portion.

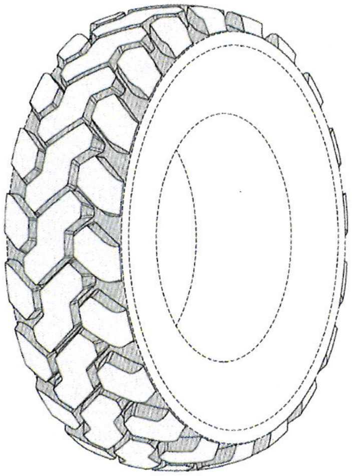
43. As recited in the third element of claim 19, the Lift Star tire has a tread portion that extends between the first and second sidewall portions. This tread portion includes a floor and a circumferentially-spaced row of lugs. Each lug of the first row of lugs in the Lift Star tire includes an axially outer surface facing in generally the same axial direction as does the first sidewall. Each axially outer surface of the Lift Star also includes an axially outwardly projecting step. Further, the projecting step projects axially outward from the axially outer surface and adjoining the floor.

44. Finally, as recited in the last element of claim 19, the Lift Star tire has a circumferentially continuous sidewall protector rib. The sidewall projector rib of the Lift Star projects axially outward from the first sidewall portion. The sidewall projector rib of the Lift Star is located radially inward of and radially adjacent to the axially outwardly projecting steps of the axially outer surfaces of the lugs of the first row of lugs. The sidewall projector rib of the Lift Star also projects axially outward further than the axially outwardly projecting steps.

45. In addition to copying Bridgestone's patented sidewall protector rib technology, Defendants' Lift Star tire also copies Bridgestone's patented ornamental tread design:

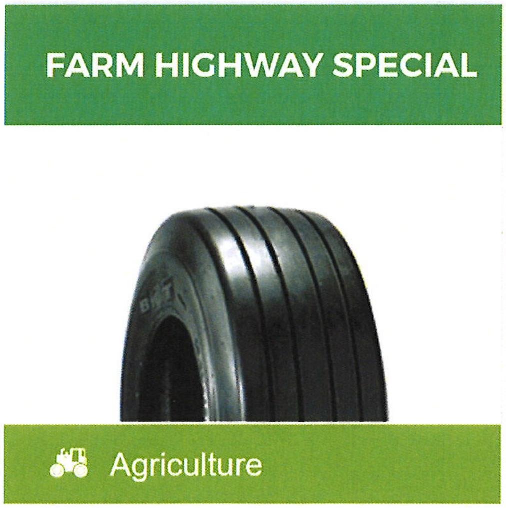
Infringing Lift Star Tire

Bridgestone's Patented Tread Design of the '800 Patent



BKT'S FARM HIGHWAY SPECIAL TIRE

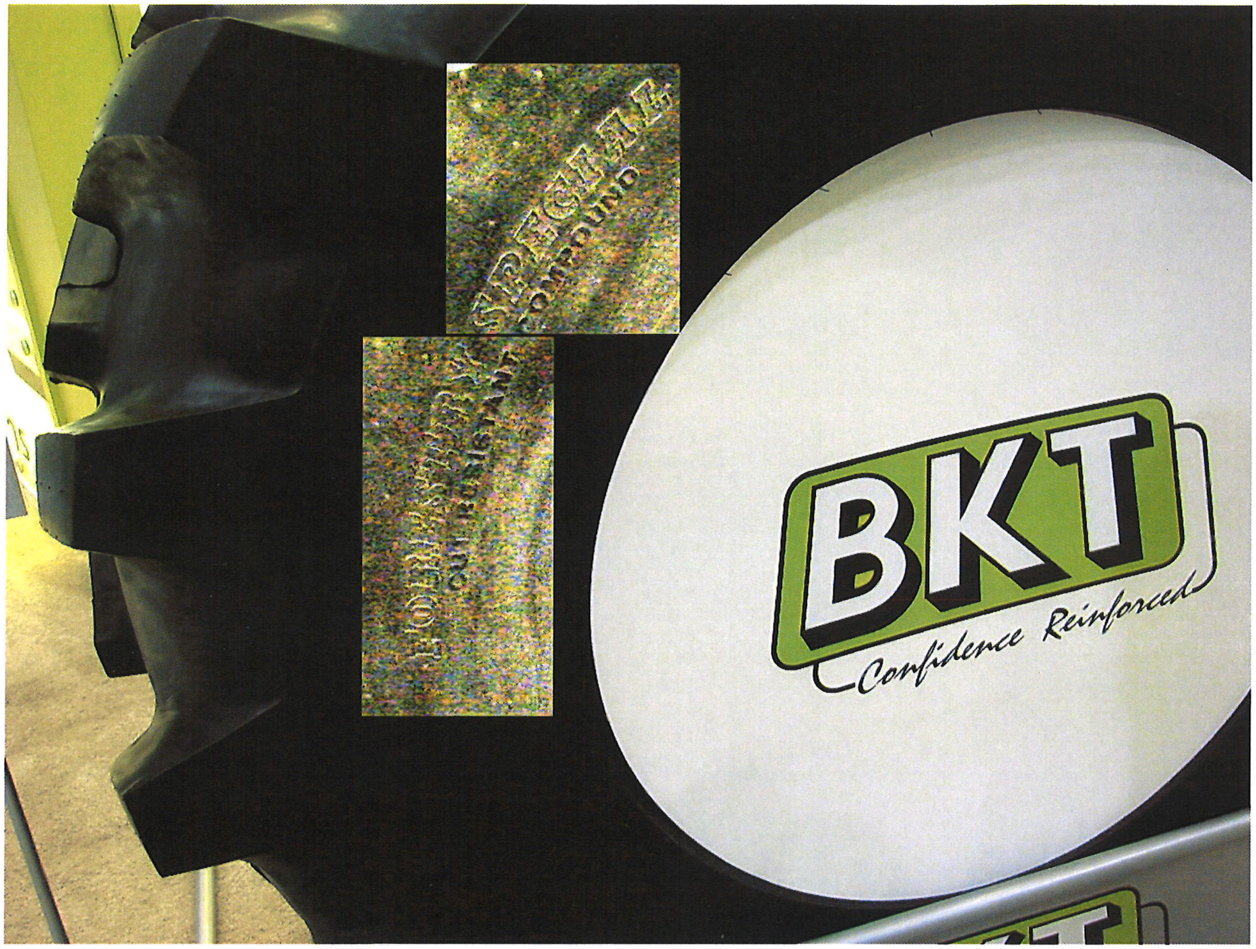
46. BKT's has also offered an agriculture tire (pictured below) branded with the mark FARM HIGHWAY SPECIAL.



47. BKT started using the FARM HIGHWAY SPECIAL mark long after Bridgestone first starting using its HIGHWAY SPECIAL trademark.

BKT'S FORESTRY SPECIAL TIRE

48. BKT's has also offered the following forestry tire, which it branded with the mark FORESTRY SPECIAL.



49. BKT started using the FORESTRY SPECIAL mark long after Bridgestone first starting using its FORESTRY SPECIAL trademark.

INJURY TO BRIDGESTONE AND THE PUBLIC

50. By copying Bridgestone's patented technology and design, Defendants have unfairly benefitted from Bridgestone's hard-earned innovations.

51. Defendants' uses of the FARM HIGHWAY SPECIAL and FORESTRY SPECIAL marks are likely to cause confusion, mistake, and deception as to the source or origin

of the products advertised/offered under those marks, and are likely to falsely suggest a sponsorship, connection, or association between Defendants, their tires, and/or their commercial activities with Bridgestone.

52. Defendants' unauthorized uses of the FARM HIGHWAY SPECIAL and FORESTRY SPECIAL marks have damaged and irreparably injured, and, if permitted to continue will further damage and irreparably injure Bridgestone, its HIGHWAY SPECIAL and FORESTRY SPECIAL marks, the reputation and goodwill associated with its marks, and the public's interest in being free from confusion.

53. As a result of the undeniable similarities between the Bridgestone's DuraForce MH tire and Defendants' Lift Star tire, the public is likely to mistake and/or confuse Defendants' tire with Bridgestone's tire and its patented design.

54. Defendants' infringement of the '980 and '800 patents have damaged and irreparably injured, and, if permitted to continue will further damage and irreparably injure Bridgestone.

55. Defendants have known of Bridgestone's longstanding use of, and rights in, its patented technology, patented design, and FARM HIGHWAY SPECIAL and FORESTRY SPECIAL marks. As such, by copying that technology, design, and marks, Defendants have acted knowingly, willfully, in reckless disregard of Bridgestone's rights, and in bad faith.

FIRST CLAIM FOR RELIEF
Utility Patent Infringement of U.S. Patent No. 8,156,980
Under 35 U.S.C. § 271

56. Bridgestone repeats and realleges each and every allegation set forth in paragraphs 1 through 55 of this Complaint.

57. BKT, without the authority or consent of Bridgestone, has been and continues to offer to sell and sell in the United States, and import into the United States, the Lift Star tire,

which directly infringes claim 19 of the '980 patent, either literally or by the doctrine of equivalents.

58. On information and belief, BKT had notice of the '980 patent from Mr. Tatlock, or acted with willful blindness as to its existence, prior to selling the Lift Star tire in 2015.

59. On information and belief, BKT continued their infringing activities with respect to the '980 patent, despite an objectively high likelihood that their activities constituted infringement of a valid patent, and this risk was either known or so obvious that it should have been known to BKT. Thus, BKT's infringement has been, and continues to be, willful and deliberate.

60. On information and belief, before the release of the Lift Star product, BKT learned of the '980 patent from Mr. Tatlock. At least as of the filing of this Compliant, BKT has knowledge of the '980 patent, and has induced and continues to induce direct infringement of the '980 patent by aiding and abetting infringement by their distributors, dealers, and customers in the United States. BKT has intentionally taken action that has actually induced and continues to induce direct infringement by their distributors, dealers, and customers in the United States, and has known that the acts it has been and that it is causing infringe the '980 patent. These acts include, but are not limited to, BKT's promotion and instruction on their website (see Exhibit 4 [Lift Star Spec Sheet]) and, on information and belief, their contracts and agreements with distributors and dealers for the promotion, offers to sell, and sales of the Lift Star tire in the United States.

SECOND CLAIM FOR RELIEF
Design Patent Infringement of the '800 Patent
Under 35 U.S.C. §§ 271, 289

61. Bridgestone repeats and realleges each and every allegation set forth in paragraphs 1 through 60 of this Complaint.

62. In the eye of the ordinary observer familiar with the relevant prior art, giving such attention as a purchaser usually gives, the claimed design of the '800 patent and the tread of Defendants' Lift Star tire are substantially the same, such that the ordinary observer would be deceived into believing that the tread design of Defendants' Lift Star tire is the design claimed in the '800 patent.

63. In violation of 35 U.S.C. § 271, Defendants have directly infringed the '800 patent by making, offering for sale, selling, and/or importing Lift Star tires in the United States.

64. In violation of 35 U.S.C. § 289, Defendants have directly infringed the '800 patent by applying the patented design of the '800 patent, or a colorable imitation thereof, to an article of manufacture, including Lift Star tires, for the purpose of sale and/or by selling, offering, or exposing for sale an article of manufacture, including Lift Star tires, to which the patented design of the '800 patent or a colorable imitation thereof has been applied.

THIRD CLAIM FOR RELIEF
Federal Trademark Counterfeiting
Under Sections 32(1)(b), 34(d) of the Lanham Act, 15 U.S.C. §§ 1114(1)(b), 1116(d)

65. Bridgestone repeats and realleges each and every allegation set forth in paragraphs 1 through 64 of this Complaint.

66. Defendants have used and continue to use counterfeits of Bridgestone's federally registered HIGHWAY SPECIAL mark in connection with the sale, offering for sale, and distribution of tires in violation of Sections 32(1)(b), 34(d) of the Lanham Act, 15 U.S.C. §§ 1114(1)(b), 1116(d).

FOURTH CLAIM FOR RELIEF
Trademark Infringement
Under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1)

67. Bridgestone repeats and realleges each and every allegation set forth in paragraphs 1 through 66 of this Complaint.

68. Without Bridgestone's consent, Defendants used and continue to use in commerce reproductions, copies, and colorable imitations of Bridgestone's registered HIGHWAY SPECIAL mark in connection with tires, which is likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

FIFTH CLAIM FOR RELIEF
Trademark Infringement, False Designation of Origin, Passing Off, and Unfair Competition
Under Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A)

69. Bridgestone repeats and realleges each and every allegation set forth in paragraphs 1 through 68 of this Complaint.

70. Defendants' uses of Bridgestone's HIGHWAY SPECIAL and FORESTRY SPECIAL marks are likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Defendants, their products, and/or their commercial activities by or with Bridgestone, and thus constitute trademark infringement, false designation of origin, passing off, and unfair competition in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

SIXTH CLAIM FOR RELIEF
Common-Law Trademark Infringement and Unfair Competition

71. Bridgestone repeats and realleges each and every allegation set forth in paragraphs 1 through 70 of this Complaint.

72. Defendants' actions, as described above, are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Bridgestone, or as to the origin, sponsorship, or approval of Defendants, their products, and their commercial activities by or with Bridgestone such that Defendants' acts constitute infringement of Bridgestone's proprietary rights in the HIGHWAY SPECIAL and FORESTRY SPECIAL marks, misappropriation of Bridgestone's goodwill in those marks, and unfair competition under Tennessee common law.

SEVENTH CLAIM FOR RELIEF
Unfair and Deceptive Trade Practices
Under the Tennessee Consumer Protection Act

73. Bridgestone repeats and realleges each and every allegation set forth in paragraphs 1 through 72 of this Complaint.

74. Defendants' actions, as described above, are likely to cause confusion, or to cause mistake, or to deceive as to the origin, license, sponsorship, or approval of Defendants, their products, and/or their commercial activities by or with Bridgestone and/or its related companies and thus constitute unfair or deceptive practices in violation of the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-104.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38, Bridgestone respectfully demands a trial by jury on all issues properly triable by a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, Bridgestone requests that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief including, but not limited to, the following:

A. A judgment that:

1. BKT has infringed the '980 patent, directly or indirectly by inducement;

2. BKT has infringed the '800 patent directly;

3. Defendants' uses of the HIGHWAY SPECIAL and FORESTRY SPECIAL marks violate Bridgestone's rights and constitute trademark infringement and/or unfair competition under federal and/or state law, as detailed above;

B. A permanent injunction enjoining Defendants and their employees, agents, partners, officers, directors, owners, shareholders, principals, subsidiaries, related companies, affiliates, distributors, dealers, and all persons in active concert or participation with any of them:

1. From continuing to infringe the '980 and '800 patents;

2. From using or registering the HIGHWAY SPECIAL and FORESTRY SPECIAL marks and any other marks or names that are likely to be confused with or to dilute Bridgestone's marks, including as or as part of a product name, logo, company name, trademark, service mark, trade name, business name, fictitious name, slogan, tagline, domain name, e-mail address, URL, social-media name, screen name, keyword, metatag, or other name or identifier;

3. From representing by any means whatsoever, directly or indirectly, that Defendants, any products or services offered by Defendants, or any activities undertaken by Defendants, are associated or connected in any way with Bridgestone, sponsored or authorized by Bridgestone, or otherwise affiliated with Bridgestone; and

4. From making, importing, promoting, offering or exposing for sale, or selling Lift Star tires or any tire with tread design confusingly similar to the claimed design of Bridgestone's '800 patent.

C. An Order directing Defendants to, within thirty (30) days after the entry of the injunction, file with this Court and serve on Bridgestone's attorneys a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;

D. An Order directing Defendants to immediately send to Bridgestone all products, signage, advertisements, promotional materials, stationery, forms, and/or any other materials and things that contain or bear the HIGHWAY SPECIAL and FORESTRY SPECIAL marks, or any other marks or names that are likely to be confused with or to dilute Bridgestone's marks;

E. An award of damages, in an amount to be determined (and including prejudgment and post-judgment interest), adequate to compensate Bridgestone for the infringement that has occurred, pursuant to 35 U.S.C. §§ 284 or 289, and other applicable laws, and trebling such damages;

F. An Order requiring Defendants to account for and pay to Bridgestone any and all profits made by BKT from sales of the Lift Star tire under 35 U.S.C. § 289;

G. An Order requiring Defendants to account for and pay to Bridgestone any and all profits arising from the foregoing acts of trademark infringement, and increasing such profits under 15 U.S.C. § 1117 and other applicable laws;

H. An Order requiring Defendants to pay Bridgestone damages in an amount as yet undetermined caused by the foregoing acts of trademark infringement, and trebling such damages under 15 U.S.C. § 1117 and other applicable laws;

I. An Order requiring Defendants to pay statutory damages in accordance with 15 U.S.C. § 1117(c) of up to $2,000,000 for each type of service sold, offered for sale, or distributed by Defendant under the HIGHWAY SPECIAL mark;

J. An Order requiring Defendants to pay Bridgestone punitive damages in an amount to be determined due to the foregoing willful acts;

K. An Order requiring Defendants to pay Bridgestone its costs and attorneys' fees in this action pursuant to 15 U.S.C. § 1117, 35 U.S.C. § 285, and other applicable laws; and

L. Other relief as the Court may deem appropriate.

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